



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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**Finding of No Significant Impact for the Environmental Assessment
of the
Silver Lake Flat Dam Rehabilitation Project
Utah County, Utah**

**I. AGENCY ROLE AND RESPONSIBILITY – United States Department of
Agriculture (USDA) – Natural Resources Conservation Service (NRCS)**

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following **proposed action**. The proposed action includes the rehabilitation of the Silver Lake Flat Dam within the American Fork-Dry Creek Watershed, located on property managed by the U.S. Forest Service (USFS) Uinta-Wasatch-Cache National Forest (UWCNF). The USFS is a Cooperating Agency on the project. The owner-operator of Silver Lake Flat Dam is the North Utah County Water Conservancy District (NUCWCD). The NUCWCD and the Utah Division of Wildlife Resources (UDWR) are the project Sponsors.

A Final Plan-Environmental Assessment (EA) was undertaken in conjunction with the development of the Supplemental Watershed Plan No. 9 (herein referred to as Final Plan-EA). Data developed during the preparation of the Final Plan-EA are available for viewing at the following location:

USDA NRCS Utah State Office
125 South State Street Room 4010
Salt Lake City, Utah 84138-1100

II. NRCS DECISION TO BE MADE

As the delegated responsible Federal official for compliance with NEPA, I must make the following decision:

1. Issuance of a Compatible Use Authorization.

I must also determine if the agency's preferred alternative (Rehabilitate Dam-Replace Spillway) will or will not be a major Federal action significantly affecting the quality of the human environment. The Final Plan-EA accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under Part VI of this finding.

III. PURPOSE AND NEED FOR ACTION

In accordance with the rehabilitation provisions of NRCS's Small Watershed Rehabilitation Program (Public Law [PL] 83-566, as amended by PL 106-472), Silver Lake Flat Dam is eligible for rehabilitation funding due to its high hazard class and outdated infrastructure. PL 83-566 authorizes NRCS to provide technical and financial assistance to local project Sponsors.

The purpose of this project is to rehabilitate the Silver Lake Flat Dam to meet current NRCS and Utah State Dam Safety regulations and current engineering standards. Stabilizing the existing dam structures would address the risk of loss-of-life and flooding associated with a dam failure because the dam is not meeting current safety criteria.

The need for the project is to extend the life of the dam for 71 years starting in 2017 to continue to provide economic benefit through the primary use of water storage with incidental benefits to flood damage reduction, sediment retention and recreation. The project would restore the design storage capacity in the reservoir by raising the water level, enlarging the spillway to pass the Probable Maximum Precipitation (PMP) event, provide slope stability for seismic events, and as a result increase the reservoir surface area.

A full project description, along with conceptual design plans, are included in the completed Final Plan-EA (January 2014) prepared by McMillen, LLC, in coordination with NRCS, USFS, NUCWCD and the UDWR.

IV. ALTERNATIVES CONSIDERED IN THE FINAL PLAN-EA

Four alternatives were analyzed in the Final Plan-EA and are characterized as follows:

- No Action – Repairs and modifications to the dam are not authorized and not implemented using Federal funding.
- Dam Decommissioning – A decommissioning order would be placed on the dam by Utah State Dam Safety since it is not meeting current NRCS and Utah Dam Safety regulations and engineering standards. An alternate method for water storage and delivery would be implemented to continue to provide water for the NUCWCD.
- Rehabilitate Dam (Replace Spillway Alternative) – Rehabilitate the dam to meet current NRCS and Utah State Dam Safety regulations and engineering standards. The spillway would be replaced in the same location.
- Rehabilitate Dam (Left Abutment Closed Spillway Alternative) – Rehabilitate the dam to meet current NRCS and Utah State Dam Safety regulations and engineering standards. The spillway would be moved off of the dam at the base of the left abutment.

V. NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the Final Plan-EA, I have chosen to select Rehabilitate Dam – Replace Spillway as NRCS's Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the Final Plan-EA and balanced those impacts with considerations of NRCS's purpose and need for the action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing NRCS's Proposed Alternative (Replace Spillway) to implement. Specifically, I acknowledge that based on the Final Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, NRCS's Preferred Alternative (Replace Spillway) would result in an overall net beneficial impact to the human environment based on all factors considered. NRCS has preliminarily determined, based upon the evaluation of impacts in the Final Plan-EA for replacing the spillway at Silver Lake Flat Dam, attached hereto and made a part hereof, and for the reasons provided below, that there will be no significant individual or cumulative impacts on the quality of the human environment as a result of implementing the Silver Lake Flat Dam Rehabilitation project as authorized by NRCS's Small Watershed Rehabilitation Program (PL 83-566 Stat. 666, as amended by PL 106-472) 16 U.S.C. Section 1001 et. Seq. 1954; particularly when focusing on the significant adverse impacts which the NEPA is intended to help decisionmakers avoid and mitigate against.

VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in the Final Plan-EA, NRCS is required by NEPA Regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the Final Plan-EA, review of the NEPA criteria for significant effects, and based on the analysis in the Final Plan-EA, I have determined that the action to be selected, Rehabilitate Dam-Replace Spillway (Preferred Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the proposed action is not required under Section 102(2) (c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The Final Plan-EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e. soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Chapter 4.0 of the Final Plan-EA and incorporated by reference), the Rehabilitate Dam-Replace Spillway alternative does not result in significant impacts to the human

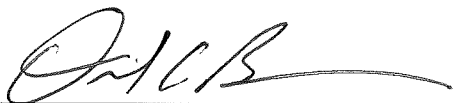
environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate.

- 2) The Rehabilitate Dam-Replace Spillway alternative does not significantly affect public health or safety. The indirect effects associated with the implementation of the rehabilitation are in fact anticipated to provide long-term beneficial impacts to public health and safety by stabilizing the dam infrastructure. Specifically, soil, water, air, fish and wildlife, plants, and cultural issues will be improved and protected through selection of the Rehabilitate Dam-Replace Spillway alternative.
- 3) As analyzed in Chapter 4.0 of the Final Plan-EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of the Rehabilitate Dam-Replace Spillway alternative. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the Rehabilitate Dam-Replace Spillway alternative would have adverse effects on these resources except wetlands. There will be minor impacts to wetlands associated with the Rehabilitate Dam-Replace Spillway alternative from the expansion of the spillway and installation of the seepage monitoring system.
- 4) The effects on the human environment are not considered controversial for the Rehabilitate Dam-Replace Spillway alternative. There are no impacts associated with the proposed action that would be considered to be controversial. Minor inconveniences will be experienced by the public and summer homeowners during construction; however, the Silver Lake Flat area will still be open to the public with modified access via Silver Lake Flat Road and closed access to the reservoir area. One locally advertised public meeting was held and only five individuals submitted comments which were reviewed and addressed and not considered controversial. An EIS is therefore not required.
- 5) The Rehabilitate Dam-Replace Spillway alternative is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Rehabilitate Dam-Replace Spillway alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations. The proposed action will be carried out for the Silver Lake Flat Dam Rehabilitation project only. Other projects not discussed in the Final Plan-EA will be required to undergo NEPA analysis individually.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate, the Rehabilitate Dam-Replace Spillway alternative does not result in significant adverse cumulative impacts to the human environment as discussed in Chapter 4.0 of the Final Plan-EA. The Rehabilitate Dam-Replace Spillway alternative is, however, anticipated to result in beneficial long-term impacts as a result of implementation of the repairs and modifications to the structures.
- 8) The Rehabilitate Dam-Replace Spillway alternative will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in Chapter 4.0 of the Final Plan-EA. NRCS follows the procedures developed in

accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State historic preservation officers and Federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.

- 9) The Rehabilitate Dam-Replace Spillway alternative will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Chapter 4.0 of the Final Plan-EA. NRCS has concluded that the repairs and modifications that have been proposed have no effect on threatened and endangered species or their critical habitat. A request for concurrence was submitted to the United States Fish and Wildlife Service (USFWS), which has jurisdiction over these species. However, a concurrence letter was not submitted back to NRCS regarding project impacts during the allotted time and USFWS has chosen not to comment on the project.
- 10) The proposed action does not violate Federal, state, or local law requirements imposed for protection of the environment as noted in Chapter 6.5 of the Final Plan-EA. The major laws identified with the selection of the Rehabilitate Dam-Replace Spillway alternative include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, the Executive Order on Environmental Justice, and Migratory Bird Treaty Act.

The Rehabilitate Dam-Replace Spillway alternative is consistent with the requirements of these laws. Based on the information presented in the attached Final Plan-EA, I find in accordance with 40 CFR Section 1508.13 that the selection of NRCS's Preferred Alternative (Rehabilitate Dam-Replace Spillway) is not a major Federal action significantly affecting the quality of the human environment requiring the preparation of an EIS. Therefore, I have made the decision that a Finding of No Significant Impact is approved for the proposed action.



DAVID C. BROWN
State Conservationist

1-22-2014

Date

Attachment: Final Supplemental Watershed Plan No. 9 and Environmental Assessment
for the Rehabilitation of Silver Lake Flat Dam